

REMARKS

Claims 1-10 were examined and reported in the Office Action. Claims 1-6 and 8-10 are rejected. Claim 7 is objected to. Claims 1, 7, 8 and 10 have been amended. No claims have been cancelled. Claims 1-10 are pending in the application.

Applicant respectfully requests reconsideration in view of the above amendments and following remarks.

It is asserted in the Office Action that the disclosure is objected to due to informalities, namely, on page 10, equation [1], and also page 12, equation [3] wherein the Examiner has suggested that the statement “amount of remaining bandwidth of Pr” on the left side of each equation be replaced with the statement --change bandwidth information of Pr--. In response, Applicant has amended the specification on page 10, equation [1], and also page 12, equation [3] as shown by the above amendments as suggested by the Examiner.

Approval is respectfully requested.

It is asserted in the Office Action that Claims 8 and 10 are objected to due to formalities, namely, in Claim 8, the period on line 7 should be replaced with “.” and period should be added at the end of the claim. Additionally, in claim 8, the Examiner has suggested that the statement “amount of remaining bandwidth of Pr” on the left side of the equation be replaced with the statement --change bandwidth information of Pr--. In Claim 10, the period on line 4 should be replaced with “.:” and period should be added at the end of the claim. Additionally, in claim 10, the Examiner has suggested that the statement “amount of remaining bandwidth of Pr” on the left side of the equation be replaced with the statement --change bandwidth information of Pr--.

Applicant has so amended the claims, but substituting the word “changed” for “change” as this is more grammatically correct.

Approval is respectfully requested.

It is asserted in the Office Action that Claim 10 is rejected under 35 USC 112, second paragraph, as being indefinite. In response, Applicant has amended Claim 10 to depend from Claim 7 which has sufficient antecedent basis for the limitation “M”, instead of Claim 9 which has insufficient antecedent basis for this limitation in the claim.

Accordingly, reconsideration and withdrawal of the rejection of Claim 10 under 35 USC 112, second paragraph, is respectfully requested.

Claims 1-6 and 8-10 are rejected under 35 USC 102(b) as being anticipated by Zhang et al. (US Patent Publication No. 2003/0028641).

In response, Applicant has amended Claim 1 to clarify that additional bandwidth is required on the basis of the calculated amount of additional bandwidth when the amount of remaining bandwidth is not sufficient. Although the variables mentioned in Claim 7, which the Examiner notes has been allowed, namely, time when allocation of additional bandwidth is requested, the amount of bandwidth allocated at that time, the amount of actually used bandwidth of the amount of bandwidth allocated at that time, and the average of time intervals of which the allocation of the additional bandwidth is requested from the bandwidth broker, are not specified in Claim 1, the essence of the invention is the fact that this calculation is performed as classified in Claim 1, as amended.

That is, the present invention calculates an amount of additional bandwidth to be requested from the bandwidth broker when the amount of the remaining bandwidth does not satisfy the amount required. By way of contrast, in Zang et al., no calculation is undertaken but rather, as indicated at paragraph [0033], the bandwidth broker allocates flow using a link-level database 808.

In view of the foregoing, and since the remaining claims depend from Claim 1 and all further limitations thereto, it is believed that all claims now pending, namely claims 1-10, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If Examiner believes that a telephone conference would be useful in moving the application forward to allowance, Examiner is encouraged to contact the undersigned at (310) 207 3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

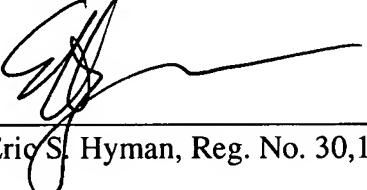
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated:

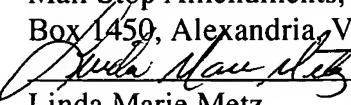
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By: _____


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail , With Sufficient Postage, In An Envelope Addressed To: Mail Stop Amendments, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 Linda Marie Metz

1-17-08
January 17, 2008